UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

Criminal No. 04-10288-RWZ

MATTHEW CREAM

DEFENDANT MATTHEW CREAM'S MOTION FOR LEAVE TO JOIN CO-DEFENDANT MACLEOD'S MOTION TO STRIKE SURPLUSAGE FROM INDICTMENT

NOW COMES the defendant, Matthew Cream, and respectfully moves this Honorable Court for leave to join in the Motion to Strike Surplusage from the Indictment filed by co-defendant Archibald MacLeod, Jr. on or about February 7, 2005, in the above-numbered matter.

Respectfully submitted, Matthew Cream By his Attorney,

/s/ BruceLinson

Bruce Linson BBO # 637413 Howe & Bainbridge Building 220 Commercial Street Boston, MA 02109 (617) 371-0900

DATED: February 17, 2005.

CERTIFICATE OF SERVICE

I, Bruce Linson, hereby certify that I served a copy of the foregoing document on all parties of record in this matter. Said service was via first class mail, postage prepaid, on this the 18th day of February 18, 2005, to:

AUSA David Tobin U.S. Courthouse, Suite 9200 1 Courthouse Way Boston, MA 02210

Bradford E. Keene, Esq. Keene & Gizzi 220 Broadway, Suite 402 Lynfield, MA 01940

Stephen Nyman, Esq. 160 State Street, 8th Floor Boston, MA 02109

Elliot M. Weinstein, Esq. 228 Lewis Wharf Boston, MA 02110

Richard M. Welsh, Esq. 80 Worcester Street, Suite 5 North Grafton, MA 01536

James L. Sultan, Esq. Rankin & Sultan 1 Commercial Wharf N Boston, MA 02110

Michael C. Bourbeau, Esq. Bourbeau & Bonilla 21 Union Street Boston, MA 02108

Edward J. O'Reilly, Esq. 46 Milton Street Gloucester, MA 01930

Theodore W. Beauparlant, Esq. 166 Kenzoa Avenue Haverhill, MA 01830

John Andrews, Esq. 70 Washington Street, Suite 211 Salem, MA 01970

Marc R. Salinas, Esq. 70 Washington Street, Suite 212 Salem, MA 01970

Michael F. Natola, Esq. 240 Commercial Street, Suite 2B Boston, MA 02109

Stephen D. Judge, Esq. 23 Central Avenue, #605 Lynn, MA 01901

Roger Witkin, Esq. 6 Beacon Street, Suite, 1010 Boston, MA 02108

/s/ Bruce Linson

Bruce Linson